

City Council
Atlanta, Georgia

06-O-0047

Z-05-111

Date Filed: 10-11-05

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1296-1308 Memorial Drive, S.E.**, be changed from the I-1 (Light Industrial) District to the MRC-3-C (Mixed Residential Commercial-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being Land Lot 208, 15th District, Dekalb County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

CONDITIONS FOR Z-05-111 for 1296-1308 Memorial Drive, S.E.

Conditioned upon the following:

Permitted principal uses and structures.

A building or premise shall be used for the following permitted principal uses and structures:

1. Automobile service stations, car washes.
2. Banks, savings and loan associations, and similar financial institutions.
3. Barber shops, beauty shops, manicure shops and similar personal service establishments.
4. Business or commercial schools.
5. Childcare centers, kindergartens and special schools.
6. Clubs and lodges.
7. Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly and similar uses with primary activities conducted within fully enclosed buildings. Pool halls, billiard parlors and amusement arcades allowed only by special use permits.
8. Eating and drinking establishments including restaurants; bars; coffee shops; delicatessens, and taverns.
9. Institutions of higher learning, including colleges and universities.
10. Laundry and dry-cleaning stores, collection stations or plants; laundry and dry cleaning establishments where customers operate equipment.
11. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
12. Nursing homes and convalescent centers.
13. Offices, studios, clinics (including veterinary), laboratories and similar uses, but not blood donor stations except at hospitals. Veterinary clinics including all kennels and accessory areas shall be enclosed within sound proof buildings when located within 300 feet of any residential use from the closest point of the nearest residential building to the closest point of the veterinary clinic, subject to the provisions in chapter 74, article IV, noise control.
14. Photocopying or blueprinting shops.
15. Professional or service establishments, but not hiring halls.
16. Public schools or private schools having similar academic curricula and special schools for exceptional children.
18. Retail establishments.
19. Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar household goods.
20. Single-family, two-family and multi-family dwellings.
21. Tailoring, custom dressmaking, millinery and similar establishments.
22. Community centers and similar establishments, when not owned by a governmental agency.

Any principal use and structure not specifically listed above is prohibited on this site.

Transitional uses and yards.

1. Screening. In addition to transitional yard requirements, permanent opaque walls a minimum of six feet in height shall be provided and shall be maintained in slightly condition.
2. Any portion of the site with the transitional buffer reduced shall have additional landscape planting. Trees shall be planted 10'-0" on center through the extent of this impacted buffer.

Maximum building heights

Structures or portions of structures which are within 50 feet of any adjacent lot with a zoning category of R-1 through R-5, shall have a maximum height of 35 feet. All other Structures shall have a maximum height of 52 feet.

Decorative Lights

A minimum of Three Decorative pedestrian lights shall be installed at each property. These lights shall be spaced equal distance between required trees along streets where provided. Where installed, said lights shall be located within either the street furniture and tree planting zone or the supplemental zone. All said lights shall be Atlanta Type "C" as approved by the planning bureau.

Fenestration

1. The length of facade without intervening fenestration or entryway shall not exceed 10 feet.
2. Fenestration shall be provided for a minimum of 50 percent of the length of all street frontages:
 - a. Beginning at a point not more than three feet above the sidewalk, to a height no less than ten feet above the sidewalk; or
 - b. Beginning at the finished floor elevation to a height no less than ten feet above the finished floor elevation when the finished floor elevation is three or more feet above the sidewalk; or
 - c. Beginning at a point not more than sidewalk level, to a height no less than ten feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
 - d. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.
 - e. Fenestration shall be provided for a minimum of 30 percent of the length of building façades not facing a public street at each second and third floor level.

Loading areas, loading dock entrances and building mechanical and accessory features.

1. Loading areas. Dumpsters shall be enclosed with opaque masonry walls six feet in height.
2. Building mechanical and accessory features.
 - a. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.

- b. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.
- c. Shall not be permitted between the building and any public street.

Lighting, security, and maintenance requirements.

- 1. All lighting including all parking decks and lots and lit canopies shall reduce light spillage onto residentially used properties by providing cutoff luminaries which have a maximum 90 degree illumination.

Minimum landscaping for surface parking lots, barrier requirements.

The requirements of City of Atlanta Code of Ordinances, chapter 158 Vegetation, article II Tree protection, section 30 Parking lot requirements shall apply to this district except as modified as follows:

- 1. Said parking lot requirements shall apply to all lots regardless of size;
- 2. All parking bays shall be terminated with a landscaped strip a minimum width of five feet and equal to the length of the parking bay.
- 3. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of 30 inches; and
- 4. All landscaped buffer areas and strips along sidewalks, drives, private streets and public rights of way shall have a minimum of one tree with a minimum caliper of three and one-half inches.

Minimum bicycle parking requirements.

Multi-family developments shall provide said facilities at a ratio of at least one bicycle/moped parking space for every five multi-family units. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of 100 feet of the building entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces. Each space shall include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user supplied lock. The additional requirements of subsection 16-28.014(6) shall also apply.